

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Steven M. Bessette et al.

Atty. Ref.:

4380-151

Serial No.: Divisonal of 09/455,542

Group:

To Be Assigned

Filed: January 20, 2004

Examiner:

To Be Assigned

For: CANCER TREATMENT COMPOSITIONS AND METHOD USING
NATURAL PLANT ESSENTIAL OILS

* * * * *

January 20, 2004

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

In compliance with the duty of disclosure requirements under 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant(s) concurrently submit herewith a Form PTO-1449 that lists documents containing information that may be considered material to the examination of the above-captioned patent application. A copy of each cited document is also being submitted herewith, if required. No representation is made or intended that (1) more relevant information does not exist, (2) the order of presentation of the information in any way reflects their relative pertinence to the above-captioned patent application, or (3) a search has been made. The Examiner is specifically requested not to rely solely on the information submitted herewith. Applicant(s) respectfully request(s) that the submitted information be expressly considered during the prosecution of this application and that all cited document(s) be made of record therein and appear among the "References Cited" section of any patent to issue therefrom. At least one of the boxes below applies to the present application.

1. ☒ This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.

- a. ☐ **Contingent Request to Treat Under 37 C.F.R. § 1.97(c).** In the event a first Office Action has been mailed prior to filing of the present Information Disclosure Statement and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(c) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p).

- b. ☐ **Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(1).** In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Patent Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(1) in that the undersigned hereby states that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
2. ☐ This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
- c. ☐ I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1). In the event a Notice of Allowance or a Final Rejection has been mailed prior to filing this Information Disclosure Statement, the Patent Office is authorized to treat this as a submission under 37 C.F.R. 1.97(d) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p).
- d. ☐ I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- e. ☐ Attached is our check in the amount of \$____ in payment of the fee under 37 C.F.R. § 1.17(p). If no check is attached, please charge the required fee to the undersigned's Deposit Account No. 14-1140.
3. ☐ This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is our check in the amount of \$____ in payment of the fee under 37 C.F.R. § 1.17(i). If no check is attached, please charge the required fee to the undersigned's Deposit Account No. 14-1140.
- a. ☐ I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent

office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- b. ☐ I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

4. ☐ Relevance of some or all of the cited non-English language document(s) is/are discussed in the present specification.

5. ☐ Some or all of the cited document(s) was/were cited in a corresponding foreign application. For the Examiner's information, an English language version of the foreign search report or official action is attached. See MPEP § 609. It is believed that the foreign search report explains the relevance of any non-English language references(s) cited on the attached PTO-1449.

6. ☐ A concise explanation of the relevance of some or all of the non-English language document(s) appears in the Appendix and/or the English-language abstract(s) attached hereto.

7. ☒ Copies of some or all of the documents were cited by or submitted to the Patent Office in parent Application No. 09/455,542, filed December 7, 1999, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

8. ☒ The Examiner's attention is directed to co-pending and/or related U.S. Patent Application Nos. 09/455,543, filed December 7, 1999; 10/274,964, filed October 22, 2002; 10/274,963, filed October 22, 2002 and 10/190,667, filed July 9, 2002, which is/are directed to related technical subject matter. The identification of the above-listed U.S. Patent Application(s) is not to be construed as a waiver of secrecy as to the application(s), now or upon issuance of the present application as a patent. During the prosecution of the above-captioned patent application, the Examiner is respectfully requested to expressly consider the information contained in any documents submitted to the Patent Office in the above-listed U.S. Patent Application(s).

9. ☐ The publication date indicated on at least one of the listed documents does not indicate a month of publication. However, the year of publication of each listed document is believed to be sufficiently earlier than the effective U.S. filing date and any relied upon foreign priority date. Although a publication date is provided for each document listed on the attached PTO-1449 based on the best information presently available to the undersigned, the listed publication date should not be construed as an admission that the information contained in the document was actually published on such listed publication date.

Steven M. Bessette et al.
Divisonal of 09/455,542
January 20, 2004

Please grant any extension(s) of time deemed necessary for entry of this communication. The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper filed hereafter) to Deposit Account No. **14-1140**. Please credit any overpayment of fees to such Deposit Account.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



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INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)	Atty. Docket No.		Serial No.
	4380-151		Divisional of 09/455,540
	Applicant		
	St v n M. B ssett t al.		
Filing Date		Group	
January 20, 2004		TO BE ASSIGNED	

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,595,756	01/1997	Bally et al.			12/22/1993
	5,602,184	02/1997	Myers et al.			03/03/1993
	5,626,854	05/1997	Ichii et al.			03/17/1995
	6,028,061	02/2000	Bernfield et al.			06/18/1998

FOREIGN PATENT DOCUMENTS

							TRANSLATION	
		DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	YES	NO
		2 151 924 A	07/1985	Great Britain				
		93/09770	05/1993	WO				
		2 706 771	12/1994	France				

OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

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		Berthois, Y. et al., "Phenol Red in Tissue Culture Media is a Weak Estrogen: Implications Concerning the Study of Estrogen-Responsive Cells in Culture", <i>Proc. Natl. Acad. Sci.</i> , 83:2496-2500 (April 1986)
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		Mussalo-Rauhamaa, H. et al., "Occurrence of Beta-Hexachlorocyclohexane in Breast Cancer Patients", <i>Cancer</i> , 66:2124-2128 (1990)
		Nelson, J. et al., "Estrogenic Activities of Chlorinated Hydrocarbons", <i>J. Tox. Envir. Health</i> , 4:325-339 (1978)
		Osborne, C. K. et al., "Antagonism between Epidermal Growth Factor and Phorbol Ester Tumor Promoters in Human Breast Cancer Cells", <i>J. Clin. Invest.</i> , 67:943-951 (1981)

*Examiner		Date Considered	
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Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)	Atty. D'ck t No.	Serial No.
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FOREIGN PATENT DOCUMENTS

						TRANSLATION
	DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	YES NO

OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

		Reese, J., et al., "Differential DNA-Binding Abilities of Estrogen Receptor Occupied With Two Classes of Antiestrogens: Studies Using Human Estrogen Receptor Overexpressed in Mammalian Cells", <i>Nucleic Acids Res.</i> , 19(23):6595-6602 (1991)
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